

2009 DRAFTING REQUEST

Senate Amendment (SA-SB299)

Received: **10/12/2009**

Received By: **gmalaise**

Wanted: **Soon**

Identical to LRB:

For: **Robert Jauch (608) 266-3510**

By/Representing: **Carrie Kahn**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - abuse and neglect**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Jauch@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Child abuse and neglect summary reports; inclusion of abuse or neglect reports received

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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FE Sent For:

<END>

Malaise, Gordon

From: Kahn, Carrie
Sent: Friday, October 09, 2009 12:33 PM
To: Malaise, Gordon
Cc: Sappenfield, Anne; McGinnis, Cindy
Subject: FW: Ab 428 / SB 299

Hi Gordon,

We need you to create an amendment for both AB 428 and SB 299 that can be introduced on the Senate floor. It should incorporate the concern discussed below by Dane County DA Brian Blanchard. Let us know what the best approach is.

Thanks,

Carrie Kahn
Legislative Assistant
State Senator Bob Jauch
P.O. Box 7882
Madison, WI 53707-7882

608-266-3510
1-800-469-6562

From: Blanchard, Brian [mailto:Brian.Blanchard@da.wi.gov]
Sent: Thursday, October 08, 2009 11:10 AM
To: Sen.Jauch; Rep.Grigsby
Cc: Kahn, Carrie; McGinnis, Cindy
Subject: Ab 428 / SB 299

Dear Senator Jauch and Rep. Grigsby,

Thank you again for your leadership on AB 428 / SB 299, which would increase the State's ability to improve responses to allegations of child abuse or neglect. This is a very hard area, and I respect the way your committees are approaching the issue in a positive spirit of seeking better responses in the future.

I write with a quick follow up on one aspect of the proposed law that only struck my group at the tail end of yesterday's Senate committee hearing and that we believe merits amendment. I apologize that we did not spot the issue earlier in the process, although fortunately I believe that the nature of any amendment would not be complex.

The topic is what I believe to be the overly narrow use of the word "services" in addressing the requirement that the county level agency report "services" provided at the time of the incident, preceding the incident, and since the incident. For example, 48.981(7)(cr)(2)(d) requires, "A brief history of the services under this chapter offered or provided to the child, members of the child's family, and the person suspected of abuse or neglect."

As you know, Sec. 48.981, Stats., requires reports to these agencies that may or may not generate "services." Note that CHIPS stands for Children in Need of PROTECTION and Services, not just services. Local agencies,

10/09/2009

of necessity, have the option of screening out referrals and also of making findings of "not substantiated," even after extensive information may have been collected and/or critical contacts have been made. A screen out or a finding of "not substantiated" could represent an important event that needs to be considered as part of the history of a case. My concern is that the reports will be incomplete if county level officials read the term "services" literally, and therefore do not include references to contacts they have had with a family in the past. An agency might report that there have been zero services provided, and not include the fact that there were 10 reports of abuse or neglect.

In addition, because the current wording is ambiguous some counties would likely provide more complete summaries of reports and contacts under the statute, but others may provide less complete summaries, based on their interpretation of the concept of a history of "services." This could greatly dilute the value of this legislation in giving us a statewide picture of how we can improve responses, and could increase confusion among both professionals and the general public about the meaning of data collected over time.

One approach would be to add a very broad definition of "services" to the proposed statute. I think the better approach, however, might be to expand the specific language in each of these subsections (in AB 428 I refer to 48.981(7)(cr)(2)(d), (4)(b), (4)(c), (4)(d), (4)(g)) to include reference to all reports of abuse, neglect or risk of abuse or neglect to the child or to any person suspected of abuse or neglect in the case management system of the agency. (CPS language tends to be "maltreater," but I notice that the draft language already uses the phrase "the person suspected of the abuse or neglect") I am sure Legislative Council would have sound views on the best options for precise language to address these concerns.

Thank you for considering these thoughts. Staff of this office would be happy to answer any questions or address any concerns that this message might generate for you or your staffs, or of course any member of your respective committees or their staffs.

Best Regards,

Brian W. Blanchard
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Dane County Courthouse
215 S. Hamilton St. # 3000
Madison WI 53703-3297
PH: (608) 266-4211
FAX: (608) 267-2545
brian.blanchard@da.wi.gov

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State of Wisconsin
2009 - 2010 LEGISLATURE

IN 10/12
5007

LRBa0850/10
GMM: A...
jld

SENATE AMENDMENT ,
TO 2009 SENATE BILL 299

1 At the locations indicated, amend the bill[✓] as follows:

2 1. Page 8, line 3: delete the material beginning with "the services"[✓] and ending[✓]
3 with "neglect."[✓] on page 8, line 4[✓] and substitute[✓] "any reports under sub. (3)[✓] received[✓]
4 in which the child, a member of the child's family, or the person suspected of the abuse[✓]
5 or neglect[✓] was the subject and of any services under this chapter offered or provided[✓]
6 to any of those persons."[✓]

7 2. Page 9, line 23: after "subject"[✓] insert "of a report being investigated under[✓]
8 sub. (3) or"[✓]

9 3. Page 10, line 2: after "neglect"[✓] insert "in any incident reported under sub.[✓]
10 (3) or"[✓]

11 4. Page 10, line 6: after "including"[✓] insert "any investigation by the agency[✓]
12 under sub. (3) of a report in which any of those persons was the subject and"[✓]

5. Page 10, line 14: after “summary” insert “of any investigation that has been conducted under sub. (3) of a report in which the child, any member of the child’s family, or the person suspected of the abuse or neglect was the subject and”.

(END)